



City of Austin

City Council

Austin City Council

Minutes

For

NOVEMBER 13, 1980

3:00 P.M.

Council Chambers, 301 West Second Street,

Carole Keeton McClellan
Mayor

Council Members
Lee Cooke
Richard Goodman
Betty Himmelblau
Ron Mullen
Jimmy Snell
John Trevino, Jr.

Dan H. Davidson
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 3:00 p.m., noting the absence of Councilmember Cooke.

INVOCATION

Rabbi Louis Firestein, Temple Beth Israel, gave the Invocation.

CHRISTMAS SEAL MONTH

Christmas Seal Month will be observed during the month of December, 1980, according to a proclamation read by the Mayor. Ms. Gwen Spain, public relations director, American Lung Association of Texas; Joe Wells, treasurer, American Lung Association of Texas were in the Council Chamber to receive the proclamation with their thanks and appreciation.

COMMUNITY COLLEGE WEEK

The week of November 16-22, 1980 is Community College Week according to a proclamation read by Mayor McClellan. The following representatives of Community College were in the Council Chamber to receive the proclamation: Dr. Cecil Groves, president; Nan Clayont, board member; Dr. Mel Ross, executive vice president; Dr. Gwen Rippey, executive dean, Rio Grande campus; Dr. Paul Meacham, executive dean, Ridgeview campus; Ramon Dovalina, executive dean, Community campus; Cora Briggs, special assistant to the president; Mary Parker, representative, ACC Faculty Association; Cheryl Brown, representative, ACC Part Time Faculty Association; Mike Jackson, associate dean, Reagan Center;

WEEK - (Continued)

Dr. Leonardo de la Garza, vice president, Academic Affairs; and Jim Brader, executive dean, Planning and Development. Ms. Clayton and Dr. Groves thanked the Mayor and Councilmembers for the proclamation.

MINUTES APPROVED

The Council, on Councilmember Mullen's motion, Councilmember Snell's second approved the Minutes of September 24 with a 5-0 Vote, Councilmember Cooke absent, Councilmember Goodman out of the room; and the Minutes of September 6, 1980 with a 4-0 Vote, Councilmember Cooke absent, Councilmember Goodman out of the room, Councilmember Himmelblau abstained.

CONSENT RESOLUTIONS

The Council, on Councilmember Trevino's motion, Councilmember Himmelblau's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmembers Goodman out of the room, Councilmember Cooke absent.)

Architectural Services and Contract Approval

Selected the architectural services of Bell, Klein, Hoffman and approved a contract in connection with the Old Main Library Renovations, CAPITAL IMPROVEMENTS PROGRAM, No. 75/85-02.

Contract Postponed

Postponed until a full Council is present, the selection of architectural services and approval of a contract in connection with St. John's Public Health Center.

Professional Engineering Services

Selected the firm of Turner, Collie & Braden, Inc. for professional structural engineering services and approved a contract in connection with Center Street Water Storage Reservoir for Water and Wastewater Department.

Change Orders

Approved the following change orders:

- a. Belco Construction Company in the amount of \$14,488.85 in connection with the sludge handling facilities improvements for Walnut Creek Wastewater Treatment Plant. CAPITAL IMPROVEMENTS PROGRAM No. 73/23-81
- b. NPC Realty Company in the amount of \$10,919.12 for Kramer Lane and Pecusa Drive (Parkfield Dr.) paving and drainage improvements. CAPITAL IMPROVEMENTS PROGRAM 76/62-16

License Agreement

Entered into a license agreement with the Missouri Pacific Railroad Company for the purpose of installing an 8-inch sanitary sewer main beneath said railroad's right-of-way at Mile Post 168.79, Engineer's Chainage Station 8911+73, Travis County, Texas. CAPITAL IMPROVEMENTS PROGRAM No. 73/23-04.

Contracts Approved

Approved the following contracts:

- a. J. V. BROWN COMPANY, INC.
555 IH 10
Seguin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk Ramp Program Phase
II - \$24,745.50 C.I.P No. 73/61-01
- b. KANETZKY ELECTRIC, INC.
3111 E. First Street
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Lighting for Dottie Jordan Tennis
Courts - \$10,630.00 C.I.P. No.
80/86-08
- c. Bid award: - Standard Water & Wastewater Utility
Materials, Central Stores Division
Six (6) Month Supply Agreement
Multiple progressive award, Item 1 -
550 awarded by line item to appropri-
ate suppliers based on 1st, 2nd and
3rd low bidder, etc. Estimated total:
\$250,000.00
- (1) AMERICAN UTILITY SUPPLY
Rt. 1, Georgetown Industrial Park North
Georgetown, Texas
- (2) AUSTIN PIPE AND SUPPLY COMPANY
300 Medina
Austin, Texas
- (3) MECHANICAL INDUSTRIAL SUPPLY
4704 East 1st Street
Austin, Texas
- (4) ROHAN COMPANY
440 East St. Elmo Road
Austin, Texas
- (5) TRANS-TEX SUPPLY COMPANY
4618 East 7th Street
Austin, Texas
- d. DUNCAN INDUSTRIES - Parking Meter Parts, Urban
751 Pratt Boulevard
Elk Grove Village, Illinois Transportation Department
Items 1 through 15 - \$22,620.50
- e. Bid award: - Porcelain Insulators and Galvanized
Hardware Assemblies, Electric
Utility Department - Total \$31,926.90
- (1) BETHEA NATIONAL CORP. - All Hardware Assembly Only -
1212 Main Street
Birmingham, Alabama \$10,394.70
- (2) JOSLYN MANUFACTURE & SUPPLY CO. - All Insulators Only - \$21,532.20
7574 East Main Road
Lima, New York

CONTRACTS - (Continued)

- f. AMERICAN LIGHTING STANDARDS CORP. - CAPITAL IMPROVEMENTS PROGRAM -
304 Oak Hill Drive Holman Substation Transmission
Brenham, Texas Line Structures, Electric Utility
Department - \$358,814.00 C.I.P.
No. 77/13-05
- g. SOUTHWAY ELECTRIC UTILITY SERVICE - CAPITAL IMPROVEMENTS PROGRAM -
9507 Beck Circle Holman Substation Stockbridge
Austin, Texas Stockbridge Vibration Transmission
Line Dampers, Electric Utility
Department - \$9,442.20 C.I.P. No.
77/13-05

Planergy, Inc.

Entered into a contract for professional services with Planergy, Inc. in the amount of \$16,266 for assistance with PURPA Grant to study the feasibility of time-of-day rates.

Authorization of Certain Contracts

Authorized the City Manager to execute any Council authorized contract or grant between the City and the U.S. Department of Housing and Urban Development the Community Services Administration or the U.S. Department of Energy Administration by the Human Services Department.

American Institute for Learning

Authorized the Capital Area Manpower Consortium to enter into a Nonfinancial Agreement with the American Institute for Learning (AIL) to provide eligibility certification services for a National Demonstration project under the CETA Title IV Youth Employment and Training Program.

Prospectus for Bond Sale

Approved prospectus for the sale of \$45,000,000 Utility System Revenue Bonds and \$17,000,000 General Obligation Bonds on January 8, 1981.

Public Hearings Set

Set a public hearing for the consideration of including the Electrical Inspection Division in the "Multiple Inspection Program" for December 11, 1980 at 6:30 p.m.

Set a public hearing on amendments to Chapter 12 relating to food establishments for December 18, 1980 at 6:30 p.m.

Field Notes Corrected

Authorized the filing of a correction contract to correct erroneous field notes in contract from John H. Krueger, Trustee, to and for the benefit of the City of Austin, dated September 28, 1972, in connection with Zoning Case No. C14-72-124.

CONSENT ORDINANCES

The Council, on Councilmember Mullen's motion, Councilmember Snell's second, waived the requirement for three readings and finally passed the following ordinances: 5-0 Vote, Councilmembers Cooke absent and Goodman out of the room unless otherwise indicated.

Budget Amendment

Amended the 1980-81 Operating Budget by:

- a. Accepting and appropriating a PURPA grant award from the Department of Energy in the amount of \$18,266 to study time-of-day rates. (Total cost \$21,266; \$18,266 Federal and \$3,000 city in-kind.)
- b. Transfer \$241,803 for the Austin Public Library's automated circulation contract accounts to the Data Systems Department account for the purpose of setting up a new automated circulating system.

Library Fee Schedule

Amended Ordinance No. 800925-LL to clarify the library fee schedule and to increase the service charge for lost or damaged books.

Spicewood Springs Road Paving

Received and accepted work of paving Spicewood Springs Road, Phase 1-A, consisting of approximately 4 blocks, CAPITAL IMPROVEMENTS PROGRAM NO. 73/62-23.

Zoning Ordinance Errors

Amended Zoning Ordinances to correct various errors relating to legal description and zoning classification designations:

- a. Ordinance No. 690130-A - Case C14-68-288
- b. Ordinance No. 720706-E - Case C14-70-036
- c. Ordinance No. 770609-B - Case C14-75-006
- d. Ordinance No. 780511-B - Case C14-77-174
- e. Ordinance No. 800626-M - Case C14-80-057

Subdivision and Zoning Applications

Amended Chapters 41 and 45 of the Austin City Code relating to fee increases for subdivision and zoning applications. (Public hearing held and closed October 16, 1980)

Annexation Ordinance

Passed through first reading only an ordinance annexing the following: 22.86 acre tract of land requested by owner and known as Barrington Oaks, Section 7 and portion of Barrington Oaks, Section II. (C7a-80-012) (4-0 Vote, Councilmembers Cooke absent, Councilmember Goodman out of the room, Mayor Pro Tem Trevino abstained.)

Bond Sale Set for January 8, 1981

Designated Thursday, January 8, 1981, 10:30 a.m., C.S.T. to receive bids on and authorize the issuance of bonds as follows:

\$45,000,000 City of Austin, Texas Utility System Revenue Bonds, Series 8:

\$ 6,565,000	Water Improvements	Auth. 11-20-76
4,000,000	Sewer Improvements	Auth. 11-20-76
4,435,000	Electric System Improvements	Auth. 1-20-79
30,000,000	Electric System Nuclear	Auth. 4-07-79
<u>\$45,000,000</u>		

\$17,000,000 City of Austin, Texas General Obligation Bonds, Various Purpose Series 261:

\$ 400,000	Public Health	Auth. 12-06-75
4,605,000	Parks & Recreation	Auth. 1-20-79
1,500,000	Hospital	Auth. 1-20-79
500,000	Fire Stations	Auth. 1-20-79
800,000	Airport	Auth. 1-20-79
4,200,000	Street Improvements	Auth. 1-20-79
400,000	Drainage	Auth. 1-20-79
145,000	Emergency Medical Services Bldg.	Auth. 1-20-79
3,200,000	Police Building	Auth. 1-20-79
280,000	Traffic Signals	Auth. 1-20-79
800,000	Parks and Recreation	Auth. 2-23-80
170,000	Neighborhood Centers	Auth. 2-23-80
<u>\$17,000,000</u>		

Zoning Ordinances

Amended Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes:

LYNN STORM	3801-3943 S. Lamar	From Interim "A" to "GR"
By Robert Davis	3800-3840 Victory Dr.	1st H&A & "GR" 2nd H&A
C14-79-217		

PASSED AS AN EMERGENCYBarton Creek Watershed Development Ordinance

Passed through SECOND AND THIRD readings of an ordinance amending Chapter 41A (The Barton Creek Watershed Development Ordinance) by extending the date for implementation of a water quality monitoring program by ninety days.

Parking Meter Zones

Passed through SECOND AND THIRD readings of an ordinance amending the Austin City Code to add the following Parking Meter Zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
60 Minute	W. 10th Street	600	South
120 Minute	W. 10th Street	600	North & South
120 Minute	W. 10th Street	600	North & South
120 Minute	Nueces Street	1000	East & West

Operating Budget Amendment
For Relief Judges

Amended the 1980-81 Operating Budget by appropriating \$270.00 from the General Fund ending balance for the purpose of funding relief judges. Passed through SECOND AND THIRD READINGS.

Zoning Ordinances

Amended Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes: PASSED THROUGH SECOND AND THIRD READINGS.

(Councilmember Himmelblau noted she was absent during the hearing of these cases but is familiar with them, therefore voted in favor in order for them to be able to pass as an ordinance today, on an emergency basis.)

(1) ALLIED DEVELOPMENT COMPANY	7011-C Manchaca Road	From "GR" 1st H&A To "C-1" 1st H&A
By Barry J. Smith		
C14-80-178		

PASSED AS AN EMERGENCY

ZONING ORDINANCES - (Continued)

(2) MEDICAL SCIENCE PARKING, INC. By Henderson L. Buford, III C14-80-176	3707-3721 King St. 3702-3708 Ronson 625-635 West 38th Street	From "A" 1st H&A To "O" 2nd H&A
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PASSED AS AN EMERGENCY

(3) EDWARD JOSEPH, TRUSTEE By Bert Pence C14-80-153	1200 E. Anderson Lane	From Interim "A" 1st H&A To "C" 1st H&A
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PASSED AS AN EMERGENCY

Council passed through SECOND READING ONLY an ordinance amending Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes: (4-0 Vote, Councilmembers Cooke absent and Goodman out of the room, Mayor Pro Tem Trevino abstained.

MR. & MRS. H.F. VOSS C14-80-015	1304 West Avenue	From "A" 1st H&A to "O" 1st H&A
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Council passed through SECOND AND THIRD readings of ordinances amending Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmembers Cooke absent, and Goodman out of the room.)

DON McELWREATH By Jose Mercado C14-77-133	7700-7722 Old Cameron Road 1500-1508 U.S. Hwy. 183 (East Anderson Ln.) also bounded by Cameron Rd.	From Interim "A" 1st H&A to H&A to "GR" 1st H&A
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PASSED AS AN EMERGENCY

MANOR ESTY WILSON & GEORGE HUME COFER C14-80-179	709 Henderson (Rear)	From "B" 2nd H&A to "O" 1st H&A
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PASSED AS AN EMERGENCY

URBAN DEVELOPMENT ACTION GRANT
FUNDING

Mr. Carlos Herrera, Director of Human Services, presented the following City Manager Report on Urban Development Action Grant Funding: "Our purpose for being here today is to provide you with an update on the Urban Development Action Grant otherwise known as UDAG. Since July we have provided an intense informational process to attempt to generate activity in this program. Following that we also, during the months of September and October, reviewed several of the concepts that came forward identifying several that were more active as far as participation and wanting to be a part of the UDAG program in the City of Austin. Of those proposals that initially came forward there is one we would like to provide more information to you on. It is intended to pursue that project further to see if there are more concrete items of information we can obtain to try to firm this application up. I want to point out that from this point on it is also our intent to come back to you at the time we have a very concrete plan. There are also representatives in the audience representing the private development companies that would be participating in this project, should it be able to be put together. Mr. Mike Bridges is in the audience. He is with Henderson-Bridges Inc. working in close affiliation with East Austin Chicano Economic Development Corporation. One of the companies we have also been in contact with have their representatives from Rome Industries, which would like to undertake an expanded version of what they intend to bring to the City of Austin. That expansion would be contingent upon the availability of UDAG, therefore it would be eligible. We are in very preliminary stages of discussion with them, and following any firmer discussion with them and more information, we will return to provide it to you. I want to go directly into the East Austin Chicano Development Corporation proposal. It is a housing proposal with various activities as far as generation of new homes. They are single detached dwellings anticipated in the amount of 500. I have forwarded to you, under separate cover, information regarding these projects and made you aware of Rome."

WATER AND WASTEWATER SERVICE TO
NORTHWEST PRESSURE AREA A & B

Mr. Bill Bulloch, Director of Water and Wastewater, presented the City Manager Report on "Water and Wastewater Service to Northwest Pressure Area A & B". He told Council:

The increasing demand and associated water and wastewater service delivery problems in the northwest area have necessitated a detailed study of system capability, both now and in the future, in the northwest area of the City and urban fringe. The attached study contains this analysis, with the following recommendations.

1. Based upon existing capacity, financial capability and legal commitments, establish a water service area and wastewater service area.
2. Require any new major development within the service area to make necessary improvements to the water and wastewater system to insure adequate levels of service.

3. Fund immediately \$261,000 of water improvements to address capacity deficiencies to existing customers and respond to existing commitments as detailed in the study and on the attached sheet.

Any policy decisions relating to additional service outside the proposed service areas will necessitate major water and wastewater improvements to the area. Also, the \$261,000 of proposed line improvements inside the city limits and in Growth Management Area IV are imperative to meet minimum levels of services to existing customers and to properly manage legal commitments within the proposed service area.

Mr. Bulloch then referred to maps and discussed the service areas, which he said will not extend beyond 620 and 183.

Councilmember Himmelblau asked, "Where do we hit the Cedar Park ETJ?" Mr. Lillie told her that it was about one fourth of a mile.

Later Councilmember Himmelblau asked, "When we get the policy statements that were requested back in April will you be addressing the extension of City utilities into incorporated municipalities?" Mr. Bulloch said, "We have not addressed that in the work we have done today." Councilmember Himmelblau said she has been waiting patiently for it and would like to have it addressed. Mr. Bulloch said it will be.

FOOD ESTABLISHMENTS

Dr. Randall, Director of Public Health, reported on Revisions to Chapter 12 relating to food establishments. "This afternoon I just want to briefly walk through the highlights and purposes of the revisions. When I took over this position we had had a study ongoing since the early part of 1979 relative to changing our food handlers cards to a food handlers certification program. We had that prepared and ready for submission and then there was also discussion about looking at Chapter 2 which had been utilizing since 1978 the state regulations for food inspection which was more restrictive than those in our ordinance, therefore we had to comply with those. I asked them at that time to look at the total of Chapter 12 because there was so much inter-relation of that.I will touch on the various articles in Chapter 12 and go through as to what changes are being proposed.We have been working with representatives of about 30 groups and as you know in anything like this there is always somebody who doesn't get all of the information, therefore we felt it would be better to have a public hearing which you have set for December 18. In Article 1, which is the general section, it provides the general provisions which will provide to all food businesses provisions such as those prohibiting the supply of adulterated or misbranded food requiring planned review of construction, inspection and permit procedures and other general food provisions. The Article contains two major changes. These are the replacement of the current health card requirement with the training and certification of food managers and the provision regarding microwave ovens used

FOOD - (Continued)

in food establishments. Article 2, which is for food service establishments, applies to the establishment such as restaurants cafeterias and taverns and the provisions here are simply to formally adopt the Texas Department of Health rules for food service sanitation which has been in effect since March 1, 1978. We have been applying these rules to our enforcement since that date. Our ordinance requirements, as I said, were less restrictive and by law could not be. Therefore, to these provisions we have only added for a minimum number of restaurant facilities and prohibition against the use of tobacco in certain areas of food establishments. This is repeated from an Ordinance which was passed by the Council on April 1, 1977. Under Article 3, this Article would apply to establishments such as grocery stores, convenience stores and bakeries and these new provisions are sorely needed to take care of the requirements which are a part of the 1954 code which was amended only slightly in 1955, 1972 and 1973. In order to address the public health aspect of this rapidly growing and changing category of food establishments, we have revised these requirements using as our guide the Federal recommended code which is being developed. To these provisions we have again added requirements for a minimum number of restrooms and prohibition of the use of tobacco in certain areas. Under Article 4, the mobile food vendors, this article would apply to mobile food units such as push carts and catering trucks. In the current Code, which is also part of the 1954 Code, there are a few provisions which address sanitary requirements and I might say that the City of Austin is one of the few cities which, as far as I am concerned has been a little far sighted in reaching this group in this community. We have gained a good deal of experience. In fact we have had quite a few requests from other cities as to the health requirements of mobile food vendors. Based on that and our good experience and knowledge of public health practices, we have developed these provisions to provide protection to the consumer. An ordinance is being prepared by the Building Inspection Department for Council consideration in the near future which would restrict the sale of all items in the public right of way, so that would in effect make this ordinance more restrictive than the provisions we are proposing to you at this point in time. Article 5 is food product establishment and this would apply to manufacturing plants and warehouses. Again, the current requirements were also part of the 1954 Code and need a revision. What we are recommending is replacement of these revisions with the current food manufacturing practice and processsing and holding of human food. These requirements, which are very general, are intended to apply to a lot of processing and distributing establishments without addressing details of equipment or processing. They are not any more restrictive than current State or Federal requirements. To these provision we have added the requirement for the minimum number of restrooms and the prohibition of the use of tobacco. Article 6 applies to the operating of a food vending machine and would adopt the 1978 Federal recommended ordinances entitled The Vending of Food and Beverages. We have been utilizing these requirements since January of 1979."

Mayor Pro Tem Trevino asked if Mr. Roland DeNois was involved in the discussions. Dr. Randall said he does not know how much Mr. DeNois has been involved in the study but that he has been sent copies of all prepared information. Mayor Pro Tem Trevino said Mr. DeNois told him he has not received materials and Dr. Randall said he will check this out as he was under the impression he had.

MOONLIGHT TOWERS

Dr. Suzanne Smith Saulniers, member of the Historic Landmark Commission, appeared before Council to request Council's consent to explore the availability of matching funds for replacement of Moonlight Tower at West 6th and West Lynn. She introduced Council to two special guests who were present to assist her. They were Kenneth and Randy Wilhelm who are junior historians from Crockett High School and Bedichek Junior High. Kenneth Wilhelm directed the Council's attention to a class project they did which was a model of a moonlight tower and a schematic map which showed, when certain buttons were pressed, where the present moonlight towers are and what is happening to them.

Dr. Saulniers said this project is an example of the interest both young and old residents of Austin have in moonlight towers. She said there are 15 towers out of the 21 in existence which are zoned historic. The one they are requesting funds for at West 6th and West Lynn is not zoned historic but it is still in a primary location for an area which is redeveloping. Dr. Saulniers said, "The Landmark Commission is requesting from you that the City Council give its consent to explore sources of funding for matching funding to replace this tower with one similar to the one in Zilker Park. The nearest estimate is approximately \$35,000 to \$40,000 and we are asking for half of that." Mayor McClellan requested staff to work through the Electrical Department on identifying funding sources or any other options that staff might feel appropriate so we can get dollars in matching funds." Mayor Pro Tem Trevino asked the condition of the other towers. Dr. Saulniers said there are about six towers which are of concern but so far nine of all the towers are without any problems. She said the tower at West 6th and West Lynn is the worst one. Ms. Ina Rae Smith spoke briefly.

PAVING ASSESSMENTS PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. on levying assessments and passage of ordinances on the following under the Capital Improvements Program:

- a. Rutland Drive, covering approximately 22 blocks, C.I.P. No. 73/62-21
- b. Webberville Road, covering approximately 7 blocks, C.I.P. No. 73/62-32
- c. Avenue C, covering approximately 1 block, C.I.P. No. 75/62-01

Mr. John German reviewed the assessments and said that Herbert Sladek was the appraiser for the property. Mr. James Riggs, Assistant City Attorney, introduced Mr. Sladek and questioned him concerning his qualifications as an appraiser.

Mr. Sladek first discussed the Rutland Drive assessment and Mr. Riggs presented Mr. Sladek's Evaluation Analysis to City Clerk Grace Monroe for filing in her office. Mr. Sladek referred to 42 parcels listed in the Evaluation Analysis in the Rutland Drive area and said that he found 32 of them to be enhanced less than the indicated assessment.

Mr. C.C. Cooke of 1803 Rutland Drive, questioned the assessment on his property. Mr. German told him that there had been a decrease of \$813.00. The assessment had been reduced to \$5,250 from \$6,063.40. Mr. Cooke then questioned

PAVING - (Continued)

the difference between residential and commercial values and said he thought it a disparity to charge less for residential than for commercial.

Motion

Councilmember Mullen made a motion, seconded by Councilmember Himmelblau to close the public hearing, pass the ordinance levying assessments.

C.L. Walters of Alamo Steel and Machine indicated he wanted to speak.

Motion Withdrawn

Councilmember Mullen withdrew his motion and Councilmember Himmelblau withdrew her second.

Mr. Walters said Alamo Steel and Machine, which has been in existence since 1960, has constant drainage problems. He said the new pipe and curb and gutter will enhance the west side of his property but he questions whether it will be of any help on the east side. He asked Mr. Tom Gardner, a real estate appraiser, to speak to his problem. Mr. Gardner explained the drainage problem and affirmed the fact that in his opinion, there will be no enhancement on the east side. Mr. Riggs, Mr. Sladek, Mr. German and Councilmember Himmelblau all discussed the assessment.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Himmelblau's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance levying the assessments on Rutland Drive, covering approximately 22 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-21. (5-0 Vote, Mayor McClellan was out of the room, Councilmember Cooke absent.) (Assessed as set out by Mr. Sladek's Evaluation Analysis.)

Council next considered levying assessments for Avenue C, covering approximately 1 block. Mr. Riggs questioned Mr. Sladek concerning the proposed assessments. Mr. Sladek said the east and west side of Avenue C will be enhanced.

Mr. Carl Shepard, 4609 Avenue C, appeared to question other assessments in the area. He said he agrees with his own assessment but felt that the rental property in the area is assessed two different ways.

Motion

The Council, on Councilmember Himmelblau's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirements for three readings and finally passed an ordinance levying assessments on Avenue C, covering approximately 1 block, CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01. (5-0 Vote, Councilmember Goodman was out of the room, Councilmember Cooke absent.)

PAVING - (Continued)

Mr. German reviewed the paving assessments for Webberville Road, covering approximately 7 blocks, stating they were all enhanced as much as or more than the assessments. Mr. Riggs questioned Mr. Sladek about the assessments. No one appeared to be heard.

Motion

The Council, on Councilmember Himmelblau's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance levying assessments on Webberville Road, covering approximately 7 blocks, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-32. (5-0 Vote, Councilmember Goodman was out of the room, Councilmember Cooke absent)

EACEDC

Dr. Jane Haney, Research and Information Director, East Austin Chicano Economic Development Corporation, appeared before Council to present a request on behalf of EACEDC for city-owned properties. She read a letter of request, as follows: As you know, EACEDC has been working with city staff and a home builder. We have looked at available sites throughout East Austin and it has become apparent to us that the vacant lots in Blackshear and Glen Oaks neighborhoods are logical for the first building phase because they are currently developed. These parcels are ready for construction and the planned UDAG would provide a long overdue realization of the housing desires of East Austin citizens. Moreover, the Urban Renewal areas in question would best be utilized in accordance with the original goal of the City Council for those areas. We have spoken and worked with Mr. Tom Knickerbocker, Executive Director of Austin Redevelopment Authority, who is in charge of the Urban Renewal lands in question. He is aware of our intentions and plans and seems to be in agreement with the benefits that might be derived from them. An important requirement we are trying to resolve making these so important is that construction must begin within six months of the actual grant award. Our intentions are for as many lots as possible in these areas to service Phase I of the East Austin scattered site in-fill housing UDAG and we would like to work with you with that. In addition we would like to have you consider for a later phase in the same project the possibility of making the street and bridge yard on Rainey Street available for the same development.

Mayor McClellan asked Mr. Knickerbocker if procedurally EACEDC needs to get the approval of the ARA Board and then come back to Council. Mr. Knickerbocker said the process is the lots will have to be advertised and under State law, sealed bids are submitted. He said there are other people also interested in the sites and once the Board receives bids and evaluates them then it prepares its recommendation and sends it to Council for them to accept the bid or not. If Council does not accept the bid, it must be re-bid and basically once that occurs then Urban Renewal powers provide that they must carry out the plan. There are architectural reviews for the Board, etc. There are a series of steps that have to be accomplished under the Urban Renewal process beginning with advertising, preparation of surveys, title policies, etc. Mr. Knickerbocker said there are no funds in their program to do any of that this year. In order to proceed, Mr. Knickerbocker said they would need to receive some sort of funding or authorization to bill, whoever, for the preparation of the sites, then they would go through the process of disposition and

EACEDC - (Continued)

and bring it back to Council. He thought the process would take about three months.

Mayor McClellan said City staff needs to be directed to work with Mr. Knickerbocker and come back with a recommendation on how to proceed.

GUADALUPE NEIGHBORHOOD

Sister Amalia Marie Rios, representing Guadalupe Neighborhood Area Association, appeared before Council to present a request for activation of CDBG funds allocated to the Guadalupe Neighborhood. She stated, "Last May the Council agreed to set aside \$622,000.00 of Community Development Block Grant monies that were originally intended for the French Legation Park for use in our neighborhood. You asked then that we submit neighborhood plans detailing how these monies would be used to improve our neighborhood. Councilmember Trevino assigned staff from the Human Services Department to work with us on this project. We have spent the past month consulting, planning and working with architects and attorneys and neighborhood residents in addition to the City staff. Tonight you have before you our request for funds and statement of work. (CITY CLERK DID NOT RECEIVE COPY) We would like for you to consider our request and would like action upon it as soon as possible. We are designating the East Austin Chicano Development Corporation to develop this money for us." She then stated they have a comprehensive plan for developing their neighborhood which they would like to present at next week's Council Meeting. After some Council discussion it was decided Council will hear the presentation at the December 4, 1980 Council Meeting at 9:30 A.M.

ZONING HEARING RESCHEDULED

The Council agreed to honor the request of Mr. David Ferguson, representing Allandale Baptist Church, and reschedule a public hearing on Zoning Case No. C14-80-181 (Allandale Baptist Church) from December 4, 1980 to December 18, 1980 at 7 p.m..

ELECTRIC RATE PROPOSAL #7

Mrs. Shudde Fath appeared before Council to discuss electric rate Proposal #7. She commended Councilmembers Goodman, Trevino and Snell for their support of #7 and urged one more Councilmember to rise and vote for it.

RECESS

Council recessed its meeting at 5:55 and resumed its recessed meeting at 6:55.

OLD PECAN STREET

Mayor McClellan opened the public hearing, scheduled for 5:30 p.m. on the co-naming of 6th Street from IH 35 to Congress Avenue as 6th Street/Old Pecan Street.

Mr. Ridding, Assistant Director of Public Works, told Council that staff recommends the signs to read East 6/Old Pecan Street from IH 35 to Congress Avenue. He said the street name change proposal has been properly handled with letters sent to all owners of property affected and the Historic Landmark Commission has also approved the co-naming of the street.

Mr. Blake Alexander, Landmark Commission, appeared before Council and stated they recommend the co-naming of East 6th Street/East Pecan Street. City departments have been asked for their comments. Chief of Police Dyson said that there may be some question as to whether a call comes from Pecan Street downtown or from one of the other streets in Austin with Pecan in its name. Mr. Blake indicated that the Fire Department and EMS could not anticipate any problem.

Jerry Crees, president, Old Pecan Street Association, told Council 70% of the representatives of East 6th Street support the name change and presented a petition to the City Clerk.

Gerard Kinney, an architect from West 6th Street, said that they would also like West 6th named Pecan Street. He urged Council to co-name East 6th Street/Old Pecan Street.

Ms. Emma Lou Linn appeared and said she would like to see East 6th Street from IH 35 to Congress named Old Pecan Street.

Motion

Councilmember Mullen made a motion, seconded by the Mayor to close the public hearing, co-name 6th Street from IH 35 to Congress Avenue as 6th Street/Old Pecan Street, and take to Historic Landmark Commission for review of sign.

Mayor McClellan said the signs should be appropriate. Jay Johnson, member of the Old Pecan Street Association, said they do not want green and white signs. Jerry Crees thought gray and white cast antique signs would be most suitable. Mr. Johnson said it would take about 60 days to get a sign designed and return to Council.

Roll Call on Motion

5-0 Vote, Councilmember Cooke absent, Councilmember Goodman out of the room

APPEAL OF PLUMBING ADVISORY BOARD
DECISION

Mayor McClellan opened the public hearing, scheduled at 5:45 p.m. on an appeal from Mr. James W. Hammonds regarding a decision by the Plumbing Advisory Board.

Mr. Lonnie Davis, Director of Building Inspection, said this appeal concerns the use of PVC pipe in Mr. Hammonds residential structure. He said Mr. Jimmy Middleton, chairman of the Plumbing Advisory Board, will present the department's position.

Mr. Middleton reported as follows:

Mr. Hammonds appeared before the Plumbing Advisory Board on October 16, 1980, for the purpose of appealing a decision by the Building Inspection staff, disapproving the use of Polyvinyl Chloride (PVC) schedule 40 plastic piping for use as both hot and cold domestic water piping used in the interior of a house. I would like to point out however, this material is authorized for use outside a building.

Briefly, here is a statement of fact as reported by the Chief Plumbing Inspector, Mr. Andy Anderson. Mr. Hammonds had obtained a building permit to perform remodeling at 610 Highland Avenue. As a result of this work, gas service had been discontinued, and therefore required a routine inspection prior to the restoration of service. However, during the compliance inspection, the plumbing inspector detected that existing water piping used in the structures interior, was of PVC material. He therefore "red-tagged" the inspection as a code violation based on the provisions of Uniform Plumbing Code Amendments, Section 42-1004, which states:

Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Asbestos-cement, PE, or P.V.C. water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the administrative authority.

However, upon appeal to the Building Inspection Department, this decision was later amended by Mr. Ed Stevens to allow connection of the meter on the condition that an appeal be brought before the Plumbing Advisory Board/the Council. Furthermore, that in the event the final appeal is denied, the PVC must be replaced in accordance with the code.

APPEAL - (Continued)

When Mr. Hammonds appeared before the Board he stated that while this house was built in 1914 and since his purchase of the structure this year, he has not experienced any problems with the plumbing system. Further, he indicated that his reason for appealing the decision was two fold. First he wanted to know the rationale for prohibiting the use of PVC for hot and cold water piping inside buildings; and secondly to seek a variance to allow him to retain the water piping as installed. Mr. Hammonds explained that it would be quite expensive if he was compelled to cut the walls up to replace the water piping.

The paramount reason that the variance request was denied is that the material, (PVC) is not approved in the City of Austin Code. The primary reason for excluding the use of PVC in the interior of a building for hot and cold water systems is the lack of adaptability of such material for high temperatures. This is based on testing results, published by the American Society of Testing Material (ASTM).

Therefore, the International Association of Plumbing and Mechanical Officials do not approve PVC water piping to be used inside a structure for either hot or cold water. The rationale being that the contraction and expansion of the piping will eventually cause damage resulting in fracture of piping and joints, causing leakage of cold/hot water. This can be hazardous to the occupants of the dwelling.

It is for this reason the Board voted unanimously to disapprove Mr. Hammonds request for a variance.

Mr. Ron Shortes, representing Mr. Hammonds, said that his client did not know about the plastic pipe in the house at the time of purchase. He does not agree that this is not a comparable use and that Austin's Plumbing Code is the only one which prohibits the use of PVC pipe for hot water. He said PVC pipe is compatible and safe usage.

Mr. Middleton returned to state PVC cannot be used as hot water piping. Its use from outside to the meter is all right but because of its great expansion and contraction, the use for hot water is never recommended. He told Council that even couplings made of PVC when used in a hot water connection, melt.

Councilmember Mullen commented on the fact this is the first time he remembers an appeal of the Plumbing Board's decision being brought to Council and commended Mr. Middleton on the good job done by the Board. Mr. Middleton stated they are now an advisory board only.

Mr. Shortes said there is a discrepancy in facts and said Mr. Hammonds has CVPC in his house which is hot water plastic pipe. Mr. Middleton agreed that CVPC is hot water plastic pipe, but it is not included in Austin's Plumbing Code.

APPEAL - (Continued)

Mr. Middleton said the inspector found only one piece of CVPC in the lines and the rest is PVC. Mr. Shortes stated he will work with the staff to see what can be done so Mr. Hammond does not have to go to the expense of replacing all of his water pipe. Mr. Shortes stated, "If there is some way to solve this factual dispute and come again to the Council on a straightforward way in a week or two or three after we see what our situation is...we would be happy to work with staff in trying to see whether we are mistaken or whether they are mistaken." He agreed PVC is not for hot water.

Mr. Davis stated, "We have no problem with what Mr. Shortes is saying. He's agreed that PVC is not rated for hot water systems. Mr. Anderson, our chief plumbing inspector says there is one 18" piece of CPVC coming off of the hot water heater. The rest of it is PVC. It's not difficult to determine what piping is there. If Mr. Shortes is agreeable to what he has indicated we would certainly agree to that. Had it been presented to the board as CPVC I don't think we would have been here this evening."

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing and upheld the Plumbing Advisory Board's decision, unless there is a difference, then it will be brought back to Council. (5-0 Vote, Councilmember Cooke absent, Councilmember Snell was out of the room.)

PUBLIC HEARING ON APPEAL OF BUILDING STANDARDS
COMMISSION DECISION

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. which was the continued appeal from Mr. Wesley Dahl on the Building Standards Commission's denial of permit to relocate structure from 2203 West 35th to 8814 Laverty Place.

Mr. Lonnie Davis, Director of Building Inspection, refreshed Council's memory by stating this hearing was begun last week. Mr. Dahl contended that the building he wants to move is sound and will be compatible with the neighborhood into which he wants to move it. Mr. Davis opined the neighborhood is against the relocation of the structure because of "Mr. Dahl's previous track record. He had been running a house moving business from this neighborhood for several years and I responded to him that we were in a position to agree with the neighborhood association. The bottom line, I suppose you would call it, was the Building Standards Commission, upon hearing this testimony refused to approve Mr. Dahl's request to move this into the neighborhood because even though it was possible to make it compatible, from his previous actions, he may not make it compatible. So I think what the neighborhood was requesting was they would have the place inspected. Council's response last week was that myself and a member of the City Attorney's staff go out and visit the place and visit with Mr. Dahl and draw up a list of corrections that should be made to the site and if Mr. Dahl felt he would comply with these requirements the City Attorney's office would then draw up an effective covenant to cover the list of violations and when they are complied with, if the Council saw fit, they would then approve the house to be moved into that

APPEAL - (Continued)

neighborhood. The list was effectively covered with Mr. Dahl on his premises last Thursday." Mr. Davis said he, Assistant Attorney Irion, and City Attorney Harris have all visited the spot and are well acquainted with the location. Mr. Davis then read the list of violations which Mr. Dahl should correct. Mr. Davis said he knows the structure has to be moved off of state property and he suggested Council approve it being moved immediately to a storage site outside of the city while Mr. Dahl is attempting to comply with the items listed.

Mr. Harris, City Attorney, stated, "The ordinance does say that one factor needed to be taken under consideration is whether the house cannot or will not be made to comply with this code and other applicable city ordinances in its proposed new location. Based on the existing continuing violations that exist on the property, probably the Building Standards Commission made a finding that it's not that the building cannot be made to comply but that based on past performance they believe in the face of prior violations, it will not be made to comply."

Mr. Dahl was not present in the Council Chamber.

Mr. Tom Cooke, representing the neighborhood association, showed Council a list of violations Mr. Dahl has already had and said he does not believe he will conform to the neighborhood with his new building.

Motion

Councilmember Snell made a motion, seconded by Mayor Pro Tem Trevino to uphold the Building Standards Commission and deny the permit, including the finding of the Building Standards Commission.

Friendly Amendment - Not Accepted

Mayor Pro Tem Trevino offered a friendly amendment that the building be moved out of the city. Councilmember Snell did not accept the friendly amendment.

City Attorney Harris said Council can indicate that the building should be moved out of the City limits.

Roll Call on Motion

6-0 Vote, Councilmember Cooke absent

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second allowed the applicant to move the building outside of the city limits. (5-1 Vote, Councilmember Snell voted No, Councilmember Cooke absent)

PUBLIC HEARING ON PLANNING COMMISSION'S
DECISION

Mayor McClellan opened the public hearing, scheduled for 6:30 p.m. on an appeal from Mr. Stanley Parrotte, president of Mesa Park Civic Association, on the Planning Commission's decision for a Special Permit, Case No. C14p-80-069.

Mr. Lillie reviewed the application and said an apartment complex is proposed.

Mr. Terry Bray, representing the applicant, showed plans of the proposed 166 unit apartment complex on a 6 acre plus tract on Thunder Creek at Angus off of 183. He said they will be garden apartments so a Special Permit is needed to process. He said the applicant has met with the neighborhood and they are generally agreeable to the apartment design and major issues. He said the neighborhood did express concern about the run off and increased traffic so the plan was redesigned to direct traffic down Thunderbird to 183. There will be one driveway on Angus and three on Thunderbird. He said the drainage has also been redesigned in order to not cause any problem to the neighbors. Councilmember Mullen asked what the maximum number of units is which can be put on the property with its current zoning. Mr. Bray told him 13-15 more than proposed. He also said "GR" zoning could create three times as much traffic.

Mr. Stan Parrotte, president, Mesa Park Civic Association, said they know apartments will be built and he has talked to the developers who have a good attitude toward the neighborhood. However, the Association members are concerned with the traffic impact on 183 and Duval.

Mr. Waldo Born, neighborhood resident, spoke about the traffic problems which will occur with apartments in the neighborhood.

Dr. Jim Benson, Director of Urban Transportation, told Council there is no doubt the Special Permit to allow garden apartments will produce more traffic.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Himmelblau's second, voted to uphold the Planning Commission's decision for a Special Permit Case No. C14p-80-069, and close the public hearing. (6-0 Vote, Councilmember Cooke absent)

PUBLIC HEARING - APPEAL ON BUILDING STANDARDS
COMMISSION'S DECISION

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an appeal from Ms. Mary L. Collins on the Building Standards Commission's decision permitting the relocation of a structure from out of the city to 908 Olive Street.

APPEAL - (Continued)

Mr. Lonnie Davis showed slides of the house and the area to which it will be moved. He said the applicant plans to add to the house. Councilmember Snell asked if the applicant is aware of the Robertson Hill project and said the house may not be compatible with the project.

Mary Collins, representing the neighborhood, protested the moving in of the structure. She said it would not be compatible with the neighborhood.

Councilmember Himmelblau noted the 30' lot the structure will be moved to and wondered if it is standard size. Mr. Davis told her that prior to 1946 it met the qualifications of standard size. Mrs. Collins said she offered the owner another lot to move the house to so that it will not be in the middle of a revitalization project.

Mr. Wally Shropshire, representing the owner of the house and lot, Doris Shropshire, said she has owned the property since 1973 and maintained it according to city regulations. He said they do not propose to move a shack on the property. The structure is 432 square feet and a bedroom and screen porch will be added.

Councilmember Snell said he does not think the structure should be moved to an area where revitalization is taking place. He said that the neighborhood is being fixed up in an attempt to bring it back to life and this is not the time to move in a structure which does not fit with the rest of area.

Councilmember Trevino asked how many lots there are in East Austin which are legal but undersized. Mr. Davis told him there are hundreds.

Ms. Doris Shropshire appeared and said she wants to put a livable, compatible structure on the lot because good rental units are needed in the community. She said the length of the lot will be used for the addition to the structure.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, closed the public hearing, denied the appeal of Ms. Mary L. Collins on the Building Standards Commission decision; and approved relocation of a structure from out of the city to 908 Olive Street with the stipulation that the additions, as described, be made to the structure. (5-1 Vote, Councilmember Snell voted No, Councilmember Cooke absent)

WILLIAMSON CREEK WATERSHED

Mayor McClellan opened the public hearing, scheduled for 8:00 p.m. on Development Standards for the Williamson Creek Watershed.

Mr. David Bodenman, Chairman of the Edwards Aquifer Task Force reported as follows: "Essentially, what we have done in developing this Ordinance (Williamson Creek Watershed Ordinance - COPY ON FILE IN CITY CLERK'S OFFICE) we have taken a different approach than has been taken in the past. We have taken an approach based on engineering control strategy as opposed to strict density standards or a pure engineering approach. And that is, for every development that will occur in the watershed we are requiring a base level of control. Those base level of controls will be set backs from the critical water quality zone, the use of overland flow and natural drainage as opposed to concrete line channels. The use of grass line swells, not only to convey the water but to treat the water. The design standards for the grass line swells are there in an effort to use them to mitigate some of the pollutants that are in the run off. We are encouraging the use of alternative streets and where they are not used, due to density, then we are suggesting additional curb cuts be allowed so the water can flow off the streets immediately into grass line swells and on their way to detention sedimentation ponds if necessary. We have developed, with the help of staff, some special sewer standards for the area, some set backs from creek bottoms and then we are working on and have made some preliminary recommendations about inspection monitoring and maintenance. This approach is an encompassing one and that is, each incremental piece depends on each other piece. They all work together. The exclusion of some of the pieces reduce the effect of other pieces. For example, the use of grass line swells can go a long way toward reducing the amount of pollutant that will run into detention sedimentation ponds. These ponds are designed to allow the pollution to settle to the bottom of the pond. If you exceed a certain percent of impervious cover our research showed that if pollutant loadings are very high then you must, in addition, add a filtration system to release the water from the sedimentation pond. Part of taking a new approach is that it appears Austin may be on the cutting edge of implementing this kind of system. Some other cities around the U.S. are trying it, however they are spending hundreds of thousands of Federal dollars and paying lots of engineers to develop their systems for them. I am unaware of where a citizen's task force has gotten together and tried such an approach. The problem with the approach we're taking is that we are having to make some assumptions on the efficiency rate of each type of approach that we take. Thus we took the encompassing approach and built in safety margins by requiring at least seven specific pieces for every development. Thus if one does not work as effectively as the effectiveness range we identified we have a safety margin built in. You will note in the Ordinance we talk about maximum intensity impervious cover. There is a direct correlation and a very high correlation between the amount of impervious cover and the amount of pollutant loadings that occur in the run off. Thus, one of the things we attempted to do is control the run off pollutant loading into the Aquifer by requiring that the first half inch of run off be detained and allow to settle out in a pond if the impervious cover exceeded certain limits. In addition we did some studies and derived a correlation coefficient relating the intensity of impervious cover to the intensity of land use i.e. the number of units per acre in residential development as related to impervious cover. Thus we found that in order to establish an additional safety factor beyond the construction standards we have promulgated here, there was a 40% impervious limitation placed

WATERSHED - (Continued)

on residential units. Our data indicates that this 40% figure allows four units per acre and that it is based on the preliminaries we have seen, and past development history in Austin. Thus this safety factor of 40% was placed there because of the question associated with using only construction standards. There is a very high correlation between the amount of impervious cover and the pollutant loading. Even though this level was there we feel that based on the data, this does not preclude some types of development for which preliminary plans are already submitted for the Williamson Creek Watersheds.

"When we take this kind of new approach to development control and water pollution control, we have new critical factors that we have not been faced with before. That is, in the past when you controlled water run off and storm water run off you required extensive infrastructure costs on the front end in the form of storm sewers, gutters, concrete kinds of structures. In this approach we are attempting to use the natural overland flow and drainage swells and thus release developments from having to build the concrete structures. Consequently in order to insure the effectiveness of these particular strategies the items of inspection, monitoring and maintenance becomes critical part of this ordinance. Thus, we as citizens in the City of Austin have to make a conscious decision about whether or not this is the direction to take. If we do, it is incumbent and mandatory that we make some very difficult decisions about the kind of inspections we are going to require, the amount of money we are going to put into a monitoring system and who is going to pay for the maintenance of these facilities. Some of that is discussed in the report (CITY CLERK DID NOT RECEIVE COPY) I gave to you. Some of it we'll be addressing as we continue our work. We hope to get back to you very soon with recommendations on fee structures and ways to pay for this. We cannot emphasize enough that this approach is more of a back end approach in terms of more dependent on the inspection, maintenance and monitoring in the long run than it is on the design standards in the front end, although they are both critical."

Mr. Frank C. Cooksey presented the following report:

My name is Frank C. Cooksey. I am a member of the Edwards Aquifer Task Force, having been appointed to represent the views of environmental groups on the Task Force. I am currently serving as Vice President of Save Barton Creek Association. Although I am a lawyer, I do not represent or receive remuneration from any environmental group. Neither do I represent any real estate development interests, banks, savings and loan association or large land owners interested in real estate development. I believe the views I offer are colored with bias only to the extent

WATERSHED - (Continued)

that I love Barton Springs, a natural feature without parallel as a clean, fresh water swimming pool and beautiful recreation area. I will admit to swimming there when I can get away from Task Force meetings to do so.

This is my initial baptism of fire in the process of city planning, as far as regulation of development in a sizeable area of the City is concerned. I will confess that my experience with the West Austin Neighborhood Group Board of Directors did not prepare me for the revelations I have received in helping to develop an ordinance which is intended to protect the Edwards Aquifer in the Williamson Creek area. First, I have been saddened by what I perceive as the City's apparent neglect of the Master Plan and its intent for this area. Instead of promoting growth and intense development of moderate income housing in the growth corridor just to the west of I-35 outside the Recharge Zone and annexing the territory necessary to accomplish that purpose, the City has instead allowed intense development in an area in which high intensity development was ostensibly to be discouraged, even after such development outstripped the availability of essential transportation and water services to residents in the area. One might be less sensitive to the lack of integrity given to the Master Plan if the Williamson Creek area had not been clearly recognized as an environmentally sensitive area due to the presence of the Edwards Aquifer Recharge Zone.

WATERSHED - (Continued)

In assessing what has already transpired in the Williamson Creek area, it is difficult to find anyone who will admit to intentional deviation from the intent of the Master Plan. The Council claims complete delegation to the Planning Commission and poor communication back to it concerning what was transpiring there. The Planning Commission claims a lack of tools furnished by the Council in the form of policy directions implementing the Master Plan. The Planning Commission claims a surprising lack of discretion to carry out the Master Plan's intent, even in the face of a state statute which allows them to enforce a general plan as they consider the approval of plats. The Planning Commission claims that legal advice they receive is responsible for this timidity, but the heavily weighted composition of the Planning Commission toward real estate development interests may be a better explanation. The fox always enjoys watching the chicken coop.

In all of this one perceives city staff members here and there anxious to do the job contained in their written job descriptions but hesitant to buck what they evidently perceive to be signals from on high mitigating against implementation of the Master Plan. The lack of attention paid by the Planning Commission to staff injunctions concerning the lack of water and transportation facilities in the Williamson Creek area could lead only to low morale and lack of motivation toward thoroughness in planning.

WATERSHED - (Continued)

Of course, in this context, Williamson Creek development came to a great crescendo with the activities of developers during the last six months. The Council, much to its credit, adopted the moratorium which has allowed the Edwards Aquifer Task Force to do its work, in spite of the short time frame allowed to citizens serving "pro bono" to accomplish this complex task. The Task Force has developed an ordinance within this time frame, although it has not had time to vote approval or disapproval of the proposed Ordinance as a whole or to adopt the report of its Chairman, which was completed just today. I trust that you will grant us a few moments to collect our thoughts and completely review the Ordinance and the report before submitting our final views to you prior to your vote on the matter.

I have scanned the Chairman's report and the Ordinance, and I believe that for the most part, the report is accurate, although I would reserve opportunity for further comment. To other members of the general public and the press, however, I offer condolences. How one can effectively communicate his or her views in a public hearing on such a matter or cover it without receiving copies of the material being considered is difficult to comprehend.

One sentence in the Chairperson's report leaps out at me immediately -- it reads, in part,

WATERSHED - (Continued)

"This level (of impervious cover limitation) was specifically selected in order to be compatible with existing preliminaries"

This indicates what those filing dissenting views this evening consider to be the most glaring weakness of the Draft Ordinance. The so-called "Maximum Development Intensity" section of the Ordinance which contains luke-warm and essentially meaningless land use controls, is tailored, not to accomplish the control of pollutant loading in a way which will regulate and reduce pollution, but to be compatible with the high intensity of development which has already occurred in Williamson Creek. Given the admission of the Chairperson that engineered run-off control strategies are relied upon in the Draft ^{and} as the only meaningful method of deterring pollution in Williamson Creek, one wonders how such unproven and untested methods can be so heavily relied upon in the light of his further admission that inspection, monitoring and maintenance are essential to what unknown success may be achieved through them. Such monitoring and maintenance is expensive to the City, requiring additional staff and equipment, especially when the majority on the Task Force has managed to stick the City with the bill. (REFER TO DISSENTING VIEWS)

Lest we conclude that these engineered control strategies are really necessary under this ordinance, take a look at the Technical Review Board and variance sections of the Ordinance,

WATERSHED - (Continued)

which offer suitable loopholes, without opportunity of appeal to the City Council. The Barton Creek Ordinance provides for appeal of the Planning Commission's variance ruling to the Council, which is where the power should finally lie to alter policy regulating environmentally sensitive areas. Such a scheme is appropriate here as well.

In addition, the coverage of the Ordinance does not extend to disapproved final plats, which have no status meriting their exclusion. The coverage of this Ordinance should be as broad as possible, in order to correct the past excesses in development already allowed.

The approval of this Ordinance, in its present or amended form, should not be considered a pattern for any other Watershed in the Edwards Aquifer Zone. This Ordinance is a compromise which recognizes a balance between those who wish to control pollutant loading at a reasonable level and the recognition of already existing patterns of development. To adopt such a scheme in any other area would add Austin's own POLLUTE-SCAM to ABSCAM as a sad chapter in rejection of the public interest in the face of narrow self serving economic and political motivations.

I urge your full consideration of the views I have expressed. They are, I believe, designed with the long range public interest in mind. I hope that you will agree.

WATERSHED - (Continued)

Ms. Mary Lee, Chairperson of the Environmental Board, appeared before Council and read the following letter from Neal Graham:

At its meeting of November 13, 1980, the Environmental Board approved the following motion:

MOTION NO. EB-111280-8

The Board requests the City Council to consider the following statements regarding the proposed ordinance for the Williamson creek watershed:

1. Lower Aquifer-Related Watersheds. The Board hopes that the intentions of the City Council and the Edwards Aquifer Task Force are to develop an ordinance for the lower aquifer-related watersheds based on different assumptions than those for the Williamson Creek watershed. Specifically, the commitments to development and infrastructure in the Williamson Creek watershed do not apply in the rest of the aquifer, and the need to protect the aquifer from urban stormwater runoff in these lower watersheds is all the more critical.
2. Boundaries of Aquifer Recharge Zone. There is substantial scientific evidence that the eastern boundary of the Edwards Aquifer Recharge Zone is broader than the area protected by the moratorium and controlled by the proposed ordinance.
3. Burdens and Risks Implied by the Proposed Ordinance. Use of engineered stormwater runoff control measures such as those required in the proposed ordinance implies a significant burden of inspection, maintenance, and monitoring of performance on the City of Austin. Varying degrees of reliance of such control measures implies varying levels of risk of water quality degradation in the Aquifer. Stringent density related controls and complete containment of wastewater are the most reliable and risk-free alternatives.
4. Preliminary Approved and Disapproved Final Plats. The proposed ordinance is a negotiated, compromise instrument that does not preempt conventional subdivision development densities. The Board strongly recommends that all preliminary approved and disapproved final plats in the area affected by the ordinance be required to conform with the ordinance before final plat approval.

WATERSHED - (Continued)

5. Water and Wastewater Service. The location and extent of water and wastewater service in the upper Williamson Creek watershed and in the lower aquifer-related watersheds remain as crucial issues. The Board hopes that the Task Force will be called upon to address these issues in the near future.

6. Role of the Environmental Board. In the future, the Board would appreciate being included in the review procedure for significant issues related to the Edwards Aquifer.

Ms. Lee stated that as a Task Force member and a member of the minority report, she supports the work of the Task Force in general but she feels the engineering of the detention ponds is negotiable and feels excessive impervious cover is provided for. She feels that 40% for residential and 60% for commercial is not needed. "The proposed ordinance makes a fundamental error in relying too heavily on engineered control measures while allowing excessive levels of impervious cover for both residential and commercial development. If you wish to be conservative in protecting the Aquifer and protecting a source of our drinking water and in protecting Barton Springs you will not sanction the 40% and 60%, but will act to lower these high development intensities. If you gamble with the natural resources and risk incurring their degradation then you will say yes to these inappropriate levels of development and allow developers to continue with business as usual in a sensitive recharge zone of the Aquifer. The second major problem of the ordinance is due to its total reliance on carefully maintained and monitored storm water control measures and its total lack of specificity in dealing with these concerns. It is written into the language of the proposed ordinance that there must be a comprehensive monitoring program if the intent of the ordinance to protect the Edwards Aquifer succeeds and yet there is no proposed program of monitoring and only a very sketchy proposal relating to maintenance. The portions of the Ordinance that relate to maintenance suggest that the burden of maintenance be handed over to the City of Austin at some unknown and possibly staggering cost. The answer to this problem is simple. Keep intensity of development in this sensitive Aquifer area low and the need for storm water control measures will also be low.Finally, I would urge you to apply the final ordinance to both approved preliminaries as a majority of the Task Force recommended and to disapprove finals as well. This action will be a clear signal to the citizens of Austin that you do intend to protect our Aquifer and our spring. Should you fail to take this action much of what we are discussing here tonight will be moot."

Mr. Joe Riddell, member of the Task Force, showed a map of the Aquifer area and said the area to be protected should be extended eastward. He said the sampling device charges should be included in the developers fees. Mr. Riddell urged that whatever ordinance is adopted, it should be done on a tentative basis and give the Task Force and staff time to do what needs to be done. Mr. Riddell discussed several points and then concluded by saying that (1) Subdividers should have the engineering report to see how much pollution their subdivision will create; (2) Overall development should be limited; and (3) Limit the acreage to be developed or a portion of each subdivision to be built out. With these limits the overall risk of undue pollution will be limited.

WATERSHED - (Continued)

At this point Councilmember Mullen expressed disagreement with statements which were presented by Mr. Cooksey.

Philip Blackerby, Save Barton Creek Association, felt the density question is most important and thought there should be 3 acre tracts in the recharge zones and one acre tracts in the controlling zones. He opined that developers should be told what the City expects before they begin to build. Development, he said, should not pollute surfact or ground water more than the natural state.

Bucky Couch, president, Westcreek Neighborhood Association, said they are concerned about the quality of the water provided and want to make sure the standards will keep the quality of the water at a high level.

Daron Butler addressed water service in Southwest A and said the Council has appropriated \$167,000 for interim improvements in the line. Mr. Couch asked about long range plans and Mr. Butler told him the Task Force has not addressed that yet.

Mr. John Knoll appeared and asked Council to seriously consider in their deliberation over the subject ordinance the following three considerations:

1. The only comprehensive study of urban runoff in the Williamson Creek Watershed ever to be done was recently released by the Fort Worth District of the U.S. Army Corps of Engineers.
2. Although a study is currently underway which may provide some technical data, no evidence exists today which supports the notion that urban runoff from the Williamson Creek watershed will significantly degrade the quality of water at Barton Springs. According to experts who spoke at the recent Edwards Aquifer Symposium, the aquifer is supplied with organic material from the oil, bat droppings, dead animals and other "natural" resources.
3. The controls proposed in the ordinance are cumulatively more severe than the Lake Austin Standards. They will probably exclude the trend of moderately priced housing in the area and adversely impact needed growth in the Austin Independent School District.

David Armbrust, representing Motorola, said the company would like to have 30 days in which to peruse the Ordinance.

Nancy McCandless, Save Barton Creek Neighborhood Association, spoke to the preservation of pure water in the Aquifer area.

Jerry Hart spoke about Western Oaks and said that built and planned into the project is proper drainage, a collective system and the restriction of two lots to the acre. He said if Barton Springs is not used as a water supply it can be used as a recreation area for a long time.

WATERSHED - (Continued)

Connie Moore, Zilker Park Posse, asked Council to give careful consideration to the ordinance.

Mayor McClellan said it is the consensus that the public hearing needs to be continued.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Snell's second, voted to continue the public hearing on the Development Standards for the Williamson Creek Watershed on December 18, 1980 at 7:30 p.m. (4-0 Vote, Councilmember Goodman and Mayor McClellan were out of the room, Councilmember Cooke was absent.)

HISTORIC ZONING ORDINANCE

Councilmember Himmelblau introduced an item to Council amending the Historic Zoning Ordinance to require that structures meet minimum building codes before receiving historic zoning. Councilmember Himmelblau said she has visited with a member of the Landmark Commission and they already have the recommendation which will accomplish what she wants to accomplish. She said this, therefore, can be pulled this evening, but asked Legal when this amendment will be before Council and if it will apply to the abatement that will be certified by the Commission in the first quarter of 1881.

Mr. DeLaRosa, Assistant City Attorney, stated the Historic Landmark Commission currently has that ordinance before it and this needs to be processed through the normal process, going to the Historic Landmark Commission and the Planning Commission. He estimated it will be six weeks before the processing can be conducted through all the publication that is necessary by State statutes.

RE-CONSIDERATION OF PROPOSAL #7

Councilmember Goodman had put an item on the Agenda for reconsideration of Proposal #7. He was not present in the Council Chamber so the discussion will be postponed until November 20, 1980.

CAR ALLOWANCE

The Council, on Councilmember Himmelblau's motion, Mayor Pro Tem Trevino's second took action so that Mayor and Council will receive no increase in car allowance. (Councilmember Goodman, Mayor McClellan out of the room, Councilmember Cooke absent.)

ADJOURNMENT

Council adjourned its meeting at 10:25 p.m.